UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **Gerardo GARFIAS-Mondragon** Defendant.	Magistrate Case No. '08 MJ 0218 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326; Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about, **January 17, 2008**, within the Southern District of California, defendant, **Gerardo GARFIAS-Mondragon**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

D. Wooddy

Deven A. Wooddy, U.S. Immigration & Customs Enforcement, Immigration Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **January 2008.**

UNITED STATES MAGISTRATE JUDGE

JPME

CONTINUATION OF COMPLAINT:
NAME: Gerardo GARFIAS-Mondragon

PROBABLE CAUSE STATEMENT

On January 17, 2008, the defendant identified as, "Gerardo GARFIAS-Mondragon" was arrested by the San Diego Police Department for violation of section 290(G) of the California Penal Code, "SEX OFFENDER FAILURE TO REGISTER". On January 17, 2008 a Border Patrol Agent conducted a field interview, determined the defendant to be a citizen of Mexico and placed a Form I-247 (Immigration Hold) pending his release from custody. The defendant was subsequently booked into county jail.

On January 24, 2008, the defendant was referred to United States Immigration and Customs Enforcement custody. An Immigration Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered deported from the United States by an Immigration Judge on or about November 15, 2006, and removed that same day via the San Ysidro, California Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Gerardo GARFIAS-Mondragon, a citizen and national of Mexico.

All information indicates the defendant is a citizen of Mexico having been previously deported from the United States and has no legal right to re-enter.